

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

EARL MAYFIELD,

Plaintiff,

v.

CIV 08-0413 RB/KBM

SGT. MORA, OFFICER J.R. REIDELL,
and TREAVOR L. LAWSON,

Defendants.

ORDER ON PENDING MATTERS

THIS MATTER is before the Court on two motions filed by Plaintiff as well as a review of the docket. When I granted Defendants' a motion for an extension to file their *Martinez* Report, I did not also extend the related deadlines. With apologies, that oversight will be corrected. Plaintiff has also advised the Court that he received a copy of the *Martinez* Report. These two take care of the relief Plaintiff seeks in Document 46.

When I ordered the *Martinez* Report, I considered Plaintiff's complaints that he has not been permitted access to the law library to be an amendment and asked Defendants to respond to the same in their *Martinez* Report. The last two motions contain more of the same allegations of retaliation for lack of access to the law

library and for other matters. They are not seeking “discovery” as Defendants suggest. Although Plaintiff asks for relief in the form of “show cause” and “to amend” the *Martinez* Report, I consider his remarks as support for his claims and/or a response to the *Martinez* Report. Therefore, although I will consider these documents when I review the *Martinez* Report, I will not entertain the relief he seeks. Defendants will have the opportunity to respond to these allegations in their reply.

Plaintiff is hereby notified, however, that the Court WILL NOT consider any other motions of this sort prior to issuing my proposed findings. Plaintiff will have a chance to respond to the *Martinez* Report and motion for summary judgment, and he should put everything he wants to say in that response. I will give him ample time to do so. It IS NOT necessary for him to cite law in his response, so any lack of access to a law library is no excuse for not complying with the Court’s deadline or filing something other than the response. Once the response and reply are submitted, this matter will be taken under advisement and decided. Because of the Court’s docket and the number of matters Plaintiff has raised, I may not be able to issue proposed findings right away. I expect Plaintiff to be patient and not file motions or other pleadings asking when the matter will be decided.

Wherefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiff's response to the *Martinez* Report and motion for summary judgment shall be filed in one pleading and filed by Friday, June 19, 2009;
2. Defendants shall file a reply by Friday, July 3, 2009; and
3. The relief Plaintiff seeks in his "motions" (*Docs. 43, 48*) is denied, but the allegations therein will be considered when reviewing the *Martinez* Report.


UNITED STATES MAGISTRATE JUDGE